

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADAM ROMANOWICZ

Plaintiff,

vs.

ALISTER & PAINE, INC.

Defendant.
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: Index No. 17-cv-8937-KHO
:
: ECF Case
:
: **AFFIDAVIT IN SUPPORT OF**
: **DAMAGES INQUEST**
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:
:-----X

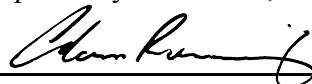
STATE OF NEW YORK)
) SS.:
COUNTY OF NASSAU)

1. I, Adam Romanowicz, am the Plaintiff in the above-captioned action.
2. I am a professional photographer in the business of licensing my images to media outlets for a fee.
3. I took the photograph that is the subject of this litigation in January of 2011.
4. I uploaded the photograph on Fine Art America's website on April 21, 2011.
5. The photograph was published with a gutter credit, identifying me, Adam Romanowicz, as the photographer.
6. I also published the photograph on my own website, 3scape.com, where customers may license the image. I attach a copy of my website page featuring the photograph as Exhibit A.
7. On my website, the photograph has a 3scape.com watermark and my name is featured on the webpage as the photographer.

8. I caused a copy of the photograph to be deposited with the U.S. Copyright Office as part of a copyright registration application for my photographs published in the year of 2011. I was given the registration number of VA 2-051-111 with the effective date of March 31, 2017. A copy of the copyright registration certificate is hereto attached at Exhibit B.
9. I have not licensed the photograph that is the subject of this litigation.
10. Defendant Alister & Paine, Inc. never contacted me nor properly obtained the photograph from Fine Art America.
11. I have found a similar image to my photograph on the Getty Images' website.
12. Getty Images price quote for licensing of a similar photograph to a commercial online blog, for up to 3 years, is \$480.
13. Getty Images is a leader in the stock photo licensing industry. Getty Images has a substantial percentage of the marketplace for stock photography. Its prices reflect what a willing seller and a willing buyer would agree upon.
14. Similarly, I would charge \$480 for this commercial online blog to use my photograph for up to 3 years, subject to renewal and renegotiation.
15. A copy of a Getty Images' webpage that lists the price quote, usage rights and displays the photograph to be licensed is hereto attached as Exhibit C.

DATED: May 21, 2018
Valley Stream, NY

Respectfully Submitted,

/s/ 

Adam Romanowicz